

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

DISTRICT COUNCIL OF NEW YORK CITY AND
VICINITY OF THE UNITED BROTHERHOOD OF
CARPENTERS AND JOINERS OF AMERICA, et al.,

Defendants.
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HAIGHT, Senior District Judge:

USDC SDNY
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90 Civ. 5722 (CSH)

MEMORANDUM

The Court was recently informed that William Davenport, a candidate for District Council delegate from Local 608, was harassed and physically assaulted at a Local 608 candidates' forum meeting on August 5, 2008. The Court held a telephone conference on August 8, 2008 to discuss the incident with: Gary Rothman, counsel for the District Council; Benjamin Torrance, the Assistant United States Attorney representing the government in this case; and William Callahan and William O'Flaherty of Unitel, the Court's Independent Investigator in this case.

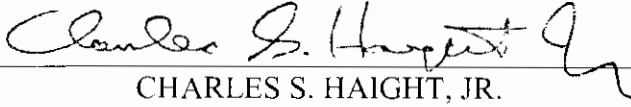
During the telephone conference, the Court was informed that this matter has been referred to the Department of Labor, and that the Department of Labor is conducting an investigation into the incident, with some informal assistance from Unitel. The Court approves of Unitel's cooperation with the Department of Labor in this manner. In light of the Department of Labor's clear jurisdiction over labor incidents of this nature and the investigation already under way, the Court will take no further action at this time. Counsel for the District Council and the government expressed their agreement with this conclusion.

The Court urges the District Council to take the necessary steps to ensure that the Local 157

candidates' forum meeting will be conducted free of violence or harassment, and appreciates Mr. Rothman's reassurances that the District Counsel will do just that.

Finally, the Court directs that the parties keep the Court informed as to the results of the Department of Labor investigation.

Dated: New York, New York
August 11, 2008



CHARLES S. HAIGHT, JR.
SENIOR UNITED STATES DISTRICT JUDGE